

Appln. No. 10/724,460

Attorney Docket No. 10541-1879

IV. Remarks

Claims 1 and 2 are pending in this application. Claims 1 and 2 stand rejected for indefiniteness, and as unpatentable over the prior art of record in the application. By this paper, Applicants have amended claim 1 to more particularly point out and distinctly claim that which Applicants regard as their invention, 35 U.S.C. §112, second paragraph, by amending the preamble to make clear the fact that claim 1 recites the combination of a fixed panel and a panel closure assembly, and to ensure clarity with respect to the meaning of claim 1's original recitation that the runner is "received for relative sliding movement within the channel of the guide rail." Applicants do not intend any narrowing of the original scope of claim 1 by the foregoing amendments, and no new matter has been added.

Also by this paper, Applicants have added new claims 3-5, including new independent claim 4 directed to the subcombination of the panel closure assembly, apart from the fixed panel. Applicants note that new claim 4 includes the limitation that the engagement portion of the guide rail is adjacent to the channel defined by the guide rail, to further distinguish the applied prior art. Once again, no new matter has been added by these amendments.

Reconsideration of the rejections of claims 1 and 2, and the further consideration of new claims 3-5, are respectfully requested.

Turning to the substantive rejections, claims 1 and 2 stand rejected under 35 U.S.C. §112, second paragraph, for failing to point out and distinctly claim that which Applicants regard as their invention. As noted above, in view of this rejection, Applicants have amended claim 1 in order to clarify the original meaning thereof. Applicants respectfully submit that the indefiniteness rejections of claims 1 and 2 have been obviated by these amendments, and the withdrawal of the outstanding indefiniteness rejections is respectfully requested.

Applicants respectfully submit that claim 1 as amended now patentably defines over the combination of U.S. Patent No. 4,486,980 ("O'Bar") and U.S. Patent No. 5,566,505 ("Kamezaki").

BRINKS
HOFER
GILSON
SLONE

Appln. No. 10/724,460

Attorney Docket No. 10541-1879

Specifically, while the cited Figure 2 of O'Bar does show the upper portion of the movable door panel 18 being supported, at its upper end, by a pair of slides 30 that are received for sliding movement in a trackway 23, O'Bar also expressly teaches that the movement of the lower portion of the movable panel is constrained by a track-and-latch assembly 10 mounted on the adjacent floor 20 in front of the wall 14. O'Bar's Figure 1 clearly shows that the latch remains within this floor-mounted track throughout movement of the door panel 18 from its closed position to its open position.

With the movement of the bottom portion of the door panel 18 thus constrained by the disclosed continuous engagement of the latch with the floor-mounted track, and with the upper trackway 23 expressly comprising 'a downwardly facing elongated channel member having opposed inwardly extending flanges 24 on the lower side thereof which cooperate to define an elongated slot 26 of reduced width' (col. 4, ll. 43-47) that functions only to slidably support the door panel 18, O'Bar necessarily teaches away from the claimed invention, wherein an engagement portion on the guide rail (1) overhangs the upper portion of the panel and (2) engages the upper portion of the panel to thereby limit movement of the lower portion of the panel away from the fixed panel. The secondary reference to Kamezaki similarly fails to either teach or suggest any overhanging engagement portion on its door-supporting rail that engages the upper portion of the door to thereby limit movement of the lower portion of the door away from the wall, as expressly claimed by Applicants in both of claims 1 and 4.

Applicants further note, for example, that the structure taught by O'Bar suffers from one of the disadvantages identified by Applicants and described at specification paragraph 4, specifically, that "the lower guide rail of known dual rail assemblies has a tendency to collect water which can inhibit the function of the sliding panel, for example, upon freezing," that is obviated by Applicants' single-rail closure panel assembly as recited in claim 1.

Claim 2, which depends directly from claim 1, stands rejected as being unpatentable over O'Bar and Kamezaki as applied to claim 1, and further in view of U.S. Patent No. 4,457,106 ("Forquer"). Because Forquer fails to cure the

BRINKS
HOFER
GILSON
BLONE

Appln. No. 10/724,460

Attorney Docket No. 10541-1879

deficiencies of O'Bar and Kamezaki with respect to claim 1, Applicants submit that claim 2 is likewise patentable over the several references to O'Bar, Kamezaki, and Forquer, either taken individually or in combination.

From the foregoing, Applicants submit that claims 1 and 2, as well as new claims 3-5, are in condition for allowance, and the allowance of claims 1-5 is respectfully requested.

11/11/2004
Date

Respectfully submitted,

Hugo A. Delevie
Hugo A. Delevie (Reg. No. 32,688)

BRINKS
HOFER
GILSON
ALTON